HYDERABAD – Privacy and Proxy Services Accreditation Program Implementation Review Team Working Meeting
Wednesday, November 09, 2016 – 11:00 to 12:15 IST
ICANN57 | Hyderabad, India

AMY:

Hey everybody. Please feel free to sit at the table, if you want. We have lots of seats. And we'll get started in just a few minutes.

All right. Hey everyone, I guess we'll go ahead and get started. Thank you for joining us. I know it has been a long meeting, and I'm glad that you're here.

This is the Privacy and Proxy Services Accreditation Implementation Review Team Working Meeting. I'm Amy [inaudible] from ICANN staff, and I'm leading this implementation project. On the screen, you'll see our agenda for today. We'll review the status of this project.

I'll summarize, briefly, the initial feedback we received on the framework proposal that we distributed to the IRT in early October. And then we have a few discussion topics that we want to get through today. The first one is just to talk about our regular meeting time, and to get that squared away so we can start our regular meetings in a few weeks.

Then we'll get to our second discussion topic, which is the overall framework that we proposed for this implementation program, that we sent around. We haven't got a lot of formal feedback, so we're hoping for a little bit more so that we can move along to the substance of this implementation soon.

And then provided there is time, our third discussion topic will be to go through the timeline in greater detail, because we've got some questions on that. So, we'll provide some more detail which hopefully will help our discussions there.

Okay, just one second.

Okay. I apologize, we're having a technical issue with the Adobe Connect, if we can get tech support to help us.

Okay. So, the status of this project, as most of you know, the final recommendations were approved by the Board in August, and so we began planning and starting the IRT recruitment process immediately after that. We had the first IRT meeting on the 18th of October, and we had a session also providing an overview of this.

We had an overview session, anyway, the first day of the ICANN meeting on the fourth, and we got some really interesting questions and comments there, which we'll be discussing with

the IRT as we go forward, and we'll be talking about them a little bit here as well.

The next steps, after this meeting, we'll setup our regular IRT meetings. We're targeting the week of the 28th of November. So, you'll be hearing more about that, and if anybody else is interested in joining the IRT, you can get in touch with me and we can add you to the list.

Okay. So, the initial feedback that we've gotten so far is… So one of our fundamental questions for you, as members of the IRT, is whether the contract based structure that we've proposed for this program, that was in the implementation framework that we sent around is, whether it delivers on the intent on the final recommendations.

Our reading of the recommendations indicated that this was what the working group intended. And so, we have been soliciting feedback on that, so that, you know, provided that we've interpreted the intent correctly, we can then move ahead with the substance of this implementation.

So generally, the more informal feedback that we've gotten so far has been relatively positive. So, you know, it seems to be that we've interpreted it correctly, but we're still soliciting

additional feedback on that. So we'll be discussing that in a few minutes.

We got a few other questions at the session of Friday, which were interesting and which we'll be discussing in the weeks and months ahead. And you know, you can see them on the screen, but there will be probably many more than that, but as a start, we had a question about, you know, whether if there is a contract, will privacy and proxy services be contracted parties?

And we got questions about the GAC advice that's out there and how we're going to handle that. And many other questions. So, we'll be getting to those.

So, our first and easy question for us to, hopefully, nail down at this meeting is, our meeting call time, when we'll be having our regular meetings.

So, we sent out a Doodle poll to IRT members, and there was a tie. We suggested several different times, and there were three popular times for the calls. There was a Monday time at 18:00 UTC. The Tuesday, 14:00 UTC time, which was I believe, the PDP working group call time.

And also there was a Wednesday call time at 18:00 UTC. Obviously, it's impossible to accommodate everyone, and we're very conscious of that, but those were the most popular times.

And so, at this point, since the Tuesday call time was the call of the regular, the PDP meetings that you guys were, most of you were on, we were proposing to use that call time.

But we want your feedback on that, if anybody is strongly opposed to that, we want to ask your feedback.

ALEX: Hi, it's Alex speaking. Can you just translate that to some… Well, for me for Pacific time. Just curious, what would that be? Tuesdays at…?

AMY: I can translate it in just a second. I believe that the Tuesday call time is relatively early Pacific time. I believe it's 10 Eastern, so I think it's 7.

ALEX: So, 10 Eastern, 7 Pacific. So, not so early. That's fine.

AMY: And that one, we've also got some additional interest here from some people that are in the APAC region, so we that time would be easier for them too. So, that is why we're proposing that one.

ALEX: Yeah, I think that works for me.

AMY: Okay. Does anybody else have any objection to that call time?

So, another issue that we need to discuss is, there was some discussion on the call about whether we should, how frequently we should have our meetings. And it seemed to be the preference was to have bi-weekly meetings. And obviously, the timeline would be impacted by how frequently we meet.

But that was the general sense that we got from that call, was that you guys would prefer to have bi-weekly meetings. Is that accurate?

ALEX: Sorry, it's Alex again. So, this is my first implementation. So, I guess, it depends on how much work gets done on the list in between, and it's not clear how, or if, or how we encourage that. Does anyone have any insight?

GRAHAM: This is Graham. I don't think we're bound necessarily to our initial shot at meeting frequency, or timelines, right? We can

start bi-weekly presumably and go, oh crap, we've got lots more to do. We need to move these meetings to either like two hours instead of an hour, or 90 minutes, or weekly. I think we have, I don't think we're locked forever. Probably just means another Doodle poll.

I also personally don't have a strong opinion about bi-weekly or weekly. Sorry, last thought on that. Generally, I would prefer a bi-weekly longer meeting, having chaired a similar sort of thing before, I think we lose a lot up front at the beginning of a meeting, and a bit at the end. And so, with an hour long meeting, you've only got sort of 45 minutes to get stuff done.

And if we're going to go biweekly, maybe do it a bit longer.

ALEX: Yes, I think bi-weekly sounds fine to me. Maybe now… At least in the beginning, less is more. I don't object to a longer meeting also, although I think an hour… Maybe, again, we start with an hour after we extend it. I don't have anything to base this on, so any past experience, so I guess I'm looking to those like, perhaps like Graham, who has been involved in the implementation before.

AMY: Okay, thank you. And that sounds good. Obviously, as Graham pointed out, we're not, we don't have to stay with whatever we choose at this point. Another possibility is that, if we end up having to have separate work streams or other projects that we have to do, we could have those on the off weeks, and we can discuss how we're going to handle the scope of work and how we're progressing as we move forward.

So, our second question for you today, and we'll leave this open for other IRT members that are on the list, and obviously, also, those who were in the chat, because attendance is relatively low here, and we want to get input on this from as many IRT members as possible, is the contract based approach that we've proposed for this implementation, the implementation of this program.

You know, this is a very fundamental question for the design of this overall implementation, and so we just want to ensure that we have the intent interpreted correctly before we move forward. So, at this time, if anyone in attendance has any perspective either way on whether you believe that the contract based approach that we've proposed delivers on the intent of the recommendations, we'd appreciate that from you.

GRAHAM:	Hi Graham for the transcript. I think what we're hearing here is ICANN staff saying, really? But I think you are correctly interpreting the work of the PDP. That was where we sort of landed on it, and so I think that actually was reasonably was clear. It definitely does have some disadvantages, I think, as we've seen, maybe it creates a new contract party.
	We don't know what those impacts are going to be. But for everyone's edification, I think we've got there because there are many registrars that do not have resellers, which was the other major model floated as an idea. And so, are uncomfortable and unfamiliar with how to manage that sort of relationship. And also given that the requirements for running a privacy and proxy service will be increased, hanging your creds on a reseller type of relationship, so that your own registrar business in that sort of higher level of requirements carries with it significantly risks and registrars, my sense, is they didn't feel very comfortable doing that.
	There are a couple of more in the room that you guys can share your opinions if you like, but I think that's where we're at.
UNKNOWN SPEAKER:	Amy, there is a comment on the remote chat from Chris [inaudible]. I have not fully understood that yet, Chris says.

AMY: Chris, can you elaborate in the chat?

JENNIFER: Hi Jennifer [inaudible], ICANN staff. We're waiting for Chris to elaborate.

                        Graham, I think we've all read the final report with the policy recommendations, but I don't think for the purposes of this IRT, one of the important things we want to do is make sure that we're transparent and we're all on the same page. So, I wouldn't necessarily take the approach of us assuming that it would or would not be a contracted party.

                        I think it's more relevant for us to be able to confirm that going forward.

GRAHAM: Sure. Like I said… Sorry, this is Graham for the transcript. This is you, this is what I meant with that is, this is ICANN staff really double checking with the community that that was the intent of the policy, and I think you're perfectly reasonable to do so, because there are consequences to this approach.

JENNIFER: Thank you, absolutely.

ALEX: Yes, so I agree with Graham. I think being involved in the PDP, my assumption is that it would be a contract based approach. I mean, if you think about what ICANN does, and you really distill it down to its fundamentals, it's creating a policy and then writing contracts to enforce that policy.

So, I'm not too sure what other [inaudible] we have… Again, I'm kind of new to this process. I would agree that the contract based approach is the way to go.

UNKNOWN SPEAKER: There are a couple of comments I wish to read. One is from Caroline Mitchell. Agree with Graham, she says. The second one is from Chris [inaudible], who has elaborate, essentially I am uncertain how the RAA allows for a new contracting party. Also binding lawyers, as this was one of the frosty points in Dublin F to F.

GRIFFIN: Yeah, this is Griffin [inaudible]. I'm a member of the IRT as well. This is my first IRT as well. Sorry, am I not speaking in the microphone? Sorry. Yeah, I just wanted to add sort of a plus one

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to the comments of Alex and Graham, in favor of at least pursing a contract based approach to this.

I think there are, you know, if we review the, excuse me, the final report of the PDP, there are sort of some contextual clues in there that kind of point in that direction. So, I think that was the intent. Thanks.

UNKNOWN SPEAKER: There is a comment from Chris [inaudible] to further [inaudible] on his point. Namely, we are saying that lawyers will have to sign up to this, and provide via data escrow to ICANN the underlining data.

AMY: Thank you Chris. And obviously, we'll be discussing the overall scope of this program through the IRT. The recommendations in the final report, define privacy and proxy services. So, obviously, that's what we will be designing the accreditation program around. So, you know, we'll be discussing how that applies to various parties through the IRT.

Alex?

ALEX: Yeah, I think there is implementation… I just put this in the chat, but there is implementation details that we're all here to work out. And so, I assume that, at some point in our deliberations, we'll have to all agree on what exactly that means. On the lawyer thing, I think it's the same thing.

We'll just need to understand exactly what the, how the policy translates into contract language. Thanks.

AMY: Anybody else in the room, on the chat, in this one?

Okay, we're moving quickly today. So, and just to back up on that topic. At the end of the slide deck, you'll see that we're requesting final input on this, the contract based question from the IRT, for about a week after this meeting, just before we close that out just to give everyone an opportunity to provide any additional input.

Okay, so our third discussion topic is the project timeline. On the next slide, I'm going to show you the timeline that we shared with the IRT at our first meeting. And we got some hesitance from the IRT about the timeline, and whether it was, various components of it were reasonable.

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And some requests to revisit it and think about extending it a bit. We've asked the IRT members to provide more specific feedback on that, specifically, you know, what pieces of the project plan seem to be aggressive and need to be extended. So, to aid that discussion in the slides, we have gone through the project plan in more detail, just to show you what we're thinking.

So that you can provide some more feedback on it. Also, I'll note that the timeline right now, obviously, you know, this is the very beginning of this project, and you know, it could be that things come up that we're not expecting. And, or things that we are expecting take longer than our projected, and we'll continue to revisit the timeline and adjust as the project goes along.

So, the next slide is just the visual of the timeline. And as you'll see, it's proposing that we could have all of the policy and contractual documents in place and ready to announce to the community as soon as the middle of 2018, with an effective date of as soon as January of 2019. We've gotten some pushback, specifically related to the time that's allocated for drafting of the policy.

So that's a piece of that timeline that we'll be looking at, probably, first. Especially since we will be having bi-weekly meetings, I think that in the next couple of months, we'll have to really look at the pace and how we're moving, to see, you know,

how much progress we're making on the list and on our calls, and evaluate the timeline as we're going forward, just to see how we're measuring up and whether we need to adjust it.

So, to help this discussion, we just wanted to break down the project plan for you guys, just to show what we're thinking and where we got our estimates from, in terms of the timeline. So, the first phase, which we're in right now, we're discussing with you guys, the overall framework, and getting general framework from you.

It sounds like we generally have that, so we're ahead of schedule, which is good. The next phase, the way that we're planning to run this implementation is, to kind of stack the work so that there is not a lag. So for example, we're going to come to you and talk about the potential structure of the policy. And then, you know, staff will go and do some preliminary drafting while the IRT is working on more specific questions.

And then we'll get back to talking about the policy language after we have pieces of the policy starting, that we have pieces of the policy that are ready to start to discuss with you. So, we're anticipating that we'll be discussing the general policy documents in December and January.

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And then we'll start discussing our questions related to specific topics in January and February. And then we'll really begin discussing the policy in February to the July range.

We're proposing that we could have a public comment period as soon as the middle of next year. And I realize this looks really tight, and this is probably the phase where we may have to adjust a little bit and push back, but we're going to have to see how our work is going on the IRT and on the list, and then we'll continue to evaluate that.

The next phase is, you know, after the public comment period, we'll, you know, we'll refine the policy. We'll be working on the contract and starting to discuss contractual issues, and then we'll get into discussions surrounding on-boarding this services, because that's going to be a really big question that we're going to figure, or have to figure out how to manage, because we have all of these services that are in existence, just because the policy goes into effect on a certain date, even if everyone applies that date, it's going to take a while to get them all onboard.

So that's what we will be working with. So, I want to open this up for discussion on the timeline. Does anyone have any initial feedback, after looking at more detail? And we can move back to various slides if you didn't have enough time to look at them. Graham?

GRAHAM: This is Graham for the transcript. You know, it's a reasonable first crack at a timeline. I don't think if anybody has like super strong expectations that we're going to meet these deadlines all the way through, and I think that's crazy. So, taking strong issue with it at this point in time doesn't seem to make sense.

It's a reasonable crack at it. Let's see if we can do it. If we can't, we'll adjust, as you said, and do updates, and readjust as we go forward.

ALEX: Hi, it's Alex speaking. I agree. I think we should stick with it, and I think someone in the overview session said, you know, when you… For those of us who manage schedules, it's best to kind of start with an aggressive one, and then revisit. So you do what you can to have a date that's sooner rather than later.

And the fact that we're meeting, or having calls every two weeks, I like your suggestion from earlier, that if it looks like we're lagging behind and we need more time face to face or on the phone to move things along, then there is an option to start meeting more frequently.

So, I think let's go with this schedule and see how it goes.

AMY:

Nobody on the chat? Anybody else? All right. At this rate, we may finish early which would be nice. Okay, so this next slide, we already went through basically just the plan for how we're proposing to walk through the drafting of the policy. So we can move to the next slide.

Okay. And this is just a reminder, and we're not going to read through this. We went through it on the overview section, but of all of the topics that we're anticipating that we'll be covering in the…

Okay, yeah. So, this is just a summary of all of the recommendations in the final report. Obviously, there is a lot in the final report we're going to have to walk through piece by piece. And so, the next step in our plan is to, is staff, internally, outline just a structure for what we think the policy might look like.

And we're going to come to you and kind of map how that maps to the final recommendations, just to show you how we're planning to include all of the final recommendations on the policy. And provided that there is general agreement on the overall structure, then we'll go back and start drafting.

And then we will get into specific questions that we have, because we have a lot of specific questions to go through. So, we'll be discussing them in the plan interim, as we're working on drafting the first version of the policy to discuss with you.

So that's what will be coming in the next couple of months. So, we look forward to talking to all of you, and working with you closely.

So, we're requesting that the IRT provide any additional feedback on the draft implementation proposal by the 28th of November. And that is so that we can wrap up the discussion on this framework, which it sounds like we pretty much have. But just to give everyone else who is not in attendance an opportunity, if there is any final words on this.

We will have our first meeting after this session, the week of the 28th of November. So, I guess it will be the 29th of November, since we settled on the Tuesday meeting. And yeah, so after that, we'll just continue and get into the substance of this implementation.

And with that, Graham?

GRAHAM: Thanks. This is Graham for the transcript. You know, the implementation proposal…. Feedback, go away. You know, so the initial proposal is pretty high level. You will provide some feedback, but you know, there is still lots of nuts and bolts, as you said, to get into.

So, that feedback might be useful, but it's probably going to be, again, to high level for a lot of the questions that we have to answer. So, maybe like the timeline, I'm not so [inaudible]. I know that we're going to get into the weeds and we'll sort those things out.

A couple of questions, if I may, right now, seems like the right time. So, I think the GAC has an expectation of a letter from the Board on input into this IRT. Do we know what that looks like? Do we know when that's coming? Can we get any feedback on that?

AMY: That is an excellent question, Graham. And we are also waiting on that.

All we know about it, at this point, is we expect that it is coming, and we should be getting it soon, but we don't know exactly when.

GRAHAM: Thank you Amy. Is anyone from public safety working group in the room at the moment? Okay, great, welcome. I think that the biggest question mark for this IRT, and others may agree or disagree, and feel free to do so, is going to be the input from public safety, and I think that's also going to impact our timelines quite a bit.

So, while we're all sitting here in a room, let me encourage public safety to a, I think it's great that you're here to participate, but I would really like to see, GAC communiqué and comments into the privacy policy, or the policy, indicated three crucial areas for you, for public safety.

Commercial jurisdiction and notification, and I think it's kind of on public safety to bring proposals on what those are going to look like, solutions to what those things might look like. We'll tackle those questions in more detail, but I think getting out in front of some of those big questions sooner rather than later, would be great. Thanks.

AMY: Thank you Graham. And as part of the project plan, we are obviously, we're awaiting the input from the Board, but that is one of the first topics we're planning to address with the IRT

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because we understand that could have an impact on the timeline.

Does anybody else have any questions or comments on this topic?

UNKNOWN SPEAKER: Okay, [inaudible]. Public safety working group. Actually, I'm not involved in this process before, so just a quick update from this conference. GAC, PSWT's recommendations are already reflect in the GAC communiqué, but we ask, we are waiting for the GAC's, for the Board's response. So it's still pending.

So our recommendations has been reflected, but we are waiting for response, the formal response from Board. The response has been delayed due to the stewardship transition. That's it.

GRAHAM: This is Graham again. If I can respond to that. And I'm not putting you immediately on the spot. I don't expect a response from this, but you know, the GAC communiqué is out there. Your recommendations are out there. I think it's, whether the Board says yes or no, like what's in the content of the letter, when they approved the final report, the recommendation was that they,

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we, in the IRT, consider those GAC recommendations as much as possible.

And so, I think you should still, public safety should still move forward with… Like there is nothing preventing you now from taking those GAC recommendations, and building them out into something with more detail and substance that we can all look at. I don't think there is any impediment to starting that work.

UNKNOWN SPEAKER: A quick response on that. Sure, [inaudible] that. And after this conference, there will be a conference call inside PSWG, and I will raise this, put this issue on the agenda. Thank you.

GRAHAM: Thank you.

AMY: Thank you. Do we have any questions or comments in the chat?

Does anybody else have any comments, questions you want to raise?

Okay. In that case, we can end early, guys. Thanks so much and safe travels home to everyone.

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[END OF TRANSCRIPTION]

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HYDERABAD
3-9 November 2016